



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

CRS  
Docket No: 177-01  
3 December 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 November 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 3 October 2001, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 3 August 1967. The record reflects that on 17 March 1970 you received nonjudicial punishment for possession of a .22 caliber pistol, resisting apprehension, and fighting in a bar. On 6 April 1970 you requested a hardship discharge. On 25 September 1970 you were discharged with an honorable discharge by reason of hardship. All your duty assignments were classified as being a Marine guard.

The advisory opinion stated that your service and medical records were reviewed but they failed to reveal any evidence that you were wounded by enemy action in Vietnam.

After careful and conscientious consideration of the entire record, the Board concurred with the advisory opinion and found no evidence that would support your claim for an award of the Purple Heart.

Concerning your request to change the description of your duty assignments to military policeman, your record shows that you were never assigned such a duty assignment.

Concerning your request for the removal of the possession of a .22 caliber pistol offense, the Board noted your contention. However, you have submitted no evidence, and the record contains none, to support the contention that the offense should be removed. In the absence of such evidence, the Board presumed that your commanding officer did not abuse his discretion in imposing the nonjudicial punishment. Consequently, the Board concluded that the offense was not unjust.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1650  
MMA-3  
30Oct01

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS (BCNR)

Subj: REQUEST FOR ADVISORY OPINION(S) IN THE CASE OF [REDACTED]  
[REDACTED] FORMER MARINE

1. During the period he served in the Marine Corps, the Purple Heart was authorized for award to those who were wounded or injured as a direct result of action by an enemy of the United States or an opposing armed force of a foreign country in which the Armed Forces of the United States was engaged.
2. Regrettably, a review of his service and medical records, and the records at this Headquarters failed to reveal any evidence that the enemy in Vietnam wounded him in action.
3. Since there is no indication in the records of the circumstances that he was injured under conditions, which would qualify him for the Purple Heart award, regulations require that he obtain eyewitness statements. The eyewitness statements can be from the medical personnel who treated him in the field or two other personnel who were present at the time he was injured. Statements should contain the time, place, medical attention received, and verification that the injury was a direct result of enemy action. If he can provide the above information, which describes the situation involved when he injured his finger, further consideration will be given to his request.
4. While it is understandable that anyone who is injured or dies during combat operations would appear to be entitled to the Purple Heart Medal, there must be a direct cause and effect relationship to establish eligibility. Thus, the injury or wound must have been caused by enemy action. While we do not intend to challenge the veracity of his statement concerning the injury, it is absolutely necessary that some documentation be provided to verify his entitlement.
5. I realize that it will be difficult to obtain eyewitness statements due to the length of time that has elapsed. This Headquarters is keenly aware of the fact that there are

undoubtedly many cases of Marines who sustained injuries, which might qualify them for the Purple Heart. In those cases, which cannot be so verified, the eyewitness statements are required.

6. This Headquarters does not maintain a listing of former Marines and their addresses. However, he may obtain a listing of the officers and enlisted Marines who were assigned to his former unit by requesting copies of the unit rosters for the period in question from the following address:

Headquarters United States Marine Corps  
Manpower and Reserve Affairs  
2008 Elliott Road (Code MMSB)  
Quantico, VA 22134-5103

7. Should he be able to obtain the names of former Marines that were eyewitness to his injury, he may request assistance in locating them from the below listed organizations:

Mail Call Editor  
Leatherneck Magazine  
P.O. Box 1977  
Quantico, VA 22134  
Telephone: 1-800-336-0291  
E-Mail: leatherneck@mca-marines.org

Vietnam Veterans of America, Inc.  
Vietnam Locator  
8605 Cameron Street, Suite 400  
Silver Spring, MD 20910  
ATTN: Mokie Porter  
Telephone: (301) 585-4000  
Fax: (301) 585-0519  
E-Mail: www.vva.org

8. I regret that a more favorable reply is not possible and I realize that the decision is not what he expected. In no way does it diminish his contributions to this Country and Corps.

9. A point of contact at MMMA is Mr. [REDACTED] @ 784-9210.

[REDACTED]